

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JANE DOE AW,
Plaintiff

v.

BURLESON COUNTY,
Defendant

§
§
§
§
§
§

Case No. 1:20-CV-00126-SH

ORDER

The Court held a final pretrial conference on February 7, 2022. Having considered the parties' submissions, the record, and the applicable law, the Court enters this Order as to Defendant's Motion in Limine, filed March 22, 2021 (Dkt. 64); Plaintiff Jane A.W. Doe's Motion in Limine, filed March 23, 2021 (Dkt. 71); Defendant's Objections to Plaintiff's Exhibit and Witness List, filed March 25, 2021 (Dkt. 76); Plaintiff's Objections to Defendant's Pretrial Order Documents, filed March 25, 2021 (Dkt. 77); and Defendant's Objections to Plaintiff's Exhibit and Witness Lists, filed January 28, 2022 (Dkt. 103).

I. Motions in Limine

The Court **GRANTS** Plaintiff's Motion in Limine (Dkt. 71).

The Court **GRANTS IN PART AND DENIES IN PART** Defendant's Motion in Limine (Dkt. 64), as follows:

- Categories 1 through 5 are **GRANTED**.
- Category 6, seeking to exclude "[a]ny comment on, reference to, or suggestion of alleged actions of former Burleson County Judge Mike Sutherland," is **DENIED** pursuant to Plaintiff's objection.
- By agreement of the parties, the Court **GRANTS** Defendant's Motion in Limine as to Category 7, as revised: "Neither party may comment on, refer to, or suggest that a settlement agreement was reached between Plaintiff, Funky Junky, and/or Mike Sutherland."

II. Defendant's Objections to Plaintiff's Witnesses

Plaintiff withdrew her identification of Judge Reva Towslee-Corbett as a witness. Accordingly, the Court **DISMISSES AS MOOT** Defendant's objection to that witnesses.

The Court provisionally grants Defendant's objection to testimony from Plaintiff's witness Carroll Scogin-Brincefield, pending further briefing from the parties. The parties are **ORDERED** to submit supplemental briefing regarding the admissibility of Carroll Scogin-Brincefield's testimony and its relevance to Plaintiff's claim remaining for trial in this case by **Thursday, February 10, 2022**.

III. Objections to Exhibits

A. Plaintiff's Exhibits

Pending briefing by the parties, the Court provisionally denies Defendant's objections to Plaintiff's Exhibit P-1 (State Judicial Conduct Commission Order). This document appears to satisfy the requirements of a public record and therefore is not excluded by the rule against hearsay pursuant to Federal Rule of Evidence 803(8). Plaintiff may file supplemental briefing regarding the admissibility of Exhibit P-1 on or before **February 10, 2022**, to which Defendant may file any response by **Friday, February 11, 2022**.

The Court **SUSTAINS** Defendant's objection to Exhibit P-2 (Carroll Scogin-Brincefield Declaration/Affidavit) on the basis that it constitutes hearsay under Federal Rule of Evidence 802.

The Court **DISMISSES AS MOOT** Defendant's objection to Exhibit P-3 (Employee Handbook), which Plaintiff withdrew. Plaintiff may offer the entirety of the Burleson County Policy Manual as a trial exhibit under Federal Rule of Evidence 106.

The Court provisionally grants Defendant's objection to Plaintiff's Exhibits P-4 (Deski Termination Letter to Jane Doe AW), P-5 (Messages between Corbett and Jane Doe AW), and P-6

(Messages from Deski) as irrelevant under Federal Rule of Evidence 401. Plaintiff may address these exhibits in her supplemental briefing and Defendant may respond as ordered above.

B. Defendant's Exhibits

The Court **OVERRULES** Plaintiff's objections to Defendant's Exhibit D-1 (Burleson County's Policy on Harassment) and Exhibit D-2 (Plaintiff's Acknowledgement regarding Burleson County Policy Manual), which are relevant under Federal Rule of Evidence 401.

IV. Joint Jury Instructions and Stipulated Facts

The parties have failed to submit a joint proposed set of jury instructions and list of stipulated facts. *See* Dkt. 102 at 1-2. The parties are hereby **ORDERED** to submit any jury instructions and stipulated facts to which they **jointly** agree on or before **February 10, 2022**.

SIGNED on February 8, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE